

**Reprint
as at 1 November 2010**



**Newmarket Borough Council (Car
Park Development) Empowering
Act 1981**

Local Act 1981 No 2
Date of assent 26 August 1981
Commencement 26 August 1981

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

An Act to empower the Newmarket Borough Council to let or lease parts of its public car parking building facing Broadway and Davis Crescent in its district, and (with the consent of the Minister of Railways or the General Manager of Railways) to sublet or sublease other parts of the said building, and to apply the rents and profits accruing therefrom in accordance with the terms and conditions appearing in this Act

Preamble

Whereas the Newmarket Borough Council (hereinafter called the Council) is the owner in fee simple of the piece of land described in Schedule 1 as a site for municipal buildings (without power of sale): And whereas the Council is the lessee from Her Majesty the Queen (acting through the Minister of Railways) of the piece of land and airspace described in Schedule 2: And whereas the Council has erected and operates on the said pieces of land a public car parking building: And whereas the Council is desirous of adding further parking decks to the said building (hereinafter called the additions) and of enlarging and of converting the existing deck or part thereof into a retail shopping facility, and, for such last mentioned purpose, of letting or leasing or subletting or subleasing the same, subject in all cases where required to the prior approval of the Minister of Railways or the General Manager of Railways: And whereas, subject to such approval as aforesaid, it is expedient that the Council should be empowered to grant such leases or subleases or to arrange such letting or subletting ahead of completion of the additions, but with right of possession and liability for the payment of rent being postponed until the additions have been completed: And whereas the Council intends that the revenue represented by such rents shall be available to help offset the cost of servicing any annual loan charges incurred to finance the additions: And whereas the relevant provisions of the Public Works Act 1928, the Public Bodies Leases Act 1969, and the Local Government Act 1974 would prevent or inhibit the achievement of the Council's objectives as above described: And whereas it is desirable in the particular

circumstances that these obstacles should be overcome to the extent hereinafter provided.

1 Short Title

This Act may be cited as the Newmarket Borough Council (Car Park Development) Empowering Act 1981.

2 Power to let or lease land and application of proceeds

(1) Notwithstanding anything to the contrary in any other Act, but subject to the provisions of this Act and of section 19 of the Public Bodies Leases Act 1969, the Council may—

- (a) let or lease all or any part or parts of the existing deck of the said building erected over the land described in Schedule 1, and any extension of that deck; and
- (b) with the prior consent of the Minister of Railways or the General Manager of Railways, sublet or sublease all or any part or parts of the said deck erected over the land described in Schedule 2, and any extension of that deck,—

for retail shopping purposes, for such period (including renewals) not exceeding 30 years at any one time, and upon such other terms and conditions as the Council may think fit:

provided that, in the case of the land described in Schedule 2, any subletting or subleasing shall be for a term shorter than the term then current of any lease of that land granted in favour of the Council.

(2) Every such letting or leasing or subletting or subleasing shall be conditional upon and shall not take effect in possession until the additions have been completed.

(3) The rents and profits accruing to the council from such letting or leasing or subletting or subleasing as received in each financial year shall be applied towards meeting that year's servicing charges on any loan raised by the Council to pay for the additions. Any excess receipts over annual loan servicing charges, and all such rents and profits accruing to the Council after repayment of any such loan shall be paid into the Council's general revenues.

- (4) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Section 2(4): added, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

3 Town and Country Planning Act 1977 not affected

Nothing in this Act shall be so construed as to in any way limit or affect the application of the Town and Country Planning Act 1977.

4 Act not to prejudice the rights of the Crown in respect of railway land

Nothing in this Act shall in any way work to the prejudice of the rights of the Crown as owner and lessor of the land described in Schedule 2, and as recorded in a certain Deed of Lease between Her Majesty the Queen and the Council dated 17 February 1969, and recorded as number 40950 with the New Zealand Government Railways Department.

Schedule 1

s 2 (1)(a)

All that piece of land in the North Auckland Land District, Borough of Newmarket, containing 1 859 square metres, more or less, being Part Allotment 33, Section 4, Suburbs of Auckland, situated in Block VIII, Rangitoto Survey District, and being the balance of the land comprised and described in certificate of title, Volume 897, folio 105 (North Auckland Land Registry), shown marked A on Survey Office Plan 55284.

Schedule 2

s 2(1)(b)

All that piece of land in the North Auckland Land District, Borough of Newmarket, containing 1 923 square metres, more or less, being Part Allotment 32, Section 4, Suburbs of Auckland, situated in Block VIII, Rangitoto Survey District, and being part of the land comprised and described in certificate of title No 1085/72 (North Auckland Land Registry), and being more particularly described as Part of lease of portion of Railway land and airspace shown and described in New Zealand Railways Lease No 40950, shown marked B on Survey Office Plan 55424.

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Notes

1 *General*

This is a reprint of the Newmarket Borough Council (Car Park Development) Empowering Act 1981. The reprint incorporates all the amendments to the Act as at 1 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the

enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)

- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):
section 113(1)
